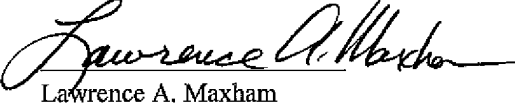


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Peter BRUNE et al.	)	Certificate of Transmission/Mailing
	)	
Serial No.: 09/980,042	)	I hereby certify that this correspondence
	)	is being facsimile transmitted to the
Filed: 25 March 2002	)	USPTO, transmitted via the Office
	)	electronic filing system, or deposited with
Title: METHOD AND ARRANGEMENT FOR	)	the United States Postal Service with
CONTROLLING FACILITIES AND/OR	)	sufficient postage as first class mail in an
PROCESSES ADDITIONALLY USING	)	envelope addressed to: Commissioner for
MOBILE COMMUNICATION	)	Patents, P.O. Box 1450, Alexandria, VA
NETWORKS	)	22313-1450, on the date shown below:
	)	
Group Art Unit: 2617	)	7/10/08 
	)	Date
Examiner: Joy Kimberly CONTEE	)	Lawrence A. Maxham
	)	Registration No. 24,483
	)	Attorney for Applicant(s)
Confirmation No.: 8011	)	
	)	
Attorney Docket No.: 740-63	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181(a) AND MPEP 711.03(c)**

Sir:

Applicant hereby petitions the Director under MPEP 711.03(c)I.A to withdraw the holding of abandonment and to enter this patent application in the PAIR system.

Neither an Official Action, allegedly dated 31 July 2007, nor a Notice of Abandonment, date unknown, has ever been received. These documents cannot be viewed by Applicant's attorney because this application has **never** been in the PAIR system.

**THE FACTS**

The application has a filing date of 25 March 2002. The undersigned attorney and his firm moved to a new address on 1 August 2006, with forwarding instructions duly filed with the

US Postal Service as of that date. A notice of Customer Number Address Change was duly filed in the Office, and acknowledged on 4 October 2006 (copy attached). The undersigned attorney had no reason to know that the Office had failed to enter this patent application in the PAIR system.

An Official Action, dated 16 December 2004, was received and a response was filed on 15 March 2005. A second Official Action, dated 18 January 2006, was duly received. This Action was defective in certain ways and, pursuant to a telephone conference with Examiner Contee on 14 March 2006, with a reminder call to Examiner Contee on 10 April 2006, she agreed to issue a new Action and reset the date for response. The revised Official Action was dated 11 May 2006 and a response was filed 2 August 2006.

The next Official Action, dated 3 November 2006, was forwarded to the undersigned attorney's office by the USPS. A response was filed on 24 January 2007, with the attorney's current address clearly shown on the signature page (page 9).

On 12 July 2007 we received a call from a database technician at the USPTO to confirm abandonment of this application for failure to respond. He was advised that we had filed a response on 24 January 2007. For the first time we had reason to interrogate PAIR and first learned that this case was not entered in the system. On 23 July 2007 we called Examiner Contee. She said she would check as to why we received the call from the database technician, and that she would soon issue another official action, and would seek to **get the USPTO records corrected**.

On 28 March 2008 we were advised by Allison Katzman (571-272-8549) that an Action had issued 31 July 2007, a non-final rejection which was returned to the USPTO by the the USPS, and that no response had been filed. The undersigned attorney has still never seen that Official Action. We asked Ms. Katzman why this application has never been in the PAIR system, and why, when the 31 July 2007 action was returned to the Office, that someone didn't look at our most recent submission to get the correct address. She sent an e-mail to Mr. Appiah and requested I call him.

On 1 April 2008, the undersigned attorney called Mr. Appiah and discussed the same issues – why was this application not in the PAIR system, and advising him that we had duly filed an address change for our customer number. After Mr. Appiah investigated the matter, he called back the same day and requested that we send proof that the USPTO had received the

customer number change of address, and to note in our filing that he had requested that we do so. That filing was made electronically on 2 April 2008, and a copy is attached.


Having heard nothing for three months, the undersigned attorney again called Mr. Appiah on 8 July 2008. The entire matter was discussed, again. He said he would get someone on it immediately to "straighten it out" and would call me back. He called back the same day and requested that we file this Petition.

### **THE ACTION REQUESTED**

1. Reinstatement of this patent application without fee;
2. Enter the undersigned address in accordance with the Customer Number Address Change filed 4 October 2006, and the Change of Address filed herewith.
3. Re-send the most recent non-final Action to the correct address, noted at the end of this Petition, with the response date reset;
4. Treat this application with special dispatch from here on. It has, after all, been nearly seven years since the application was actually filed (19 November 2001), and there have been inordinate delays on the part of the Office throughout the pendency of this application;
5. Enter this application in the PAIR system so it can be traced without calling the Examiner and begging for information.

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Telephone: (858) 587-7659  
Facsimile: (858) 587-7658

Respectfully submitted,  
Peter BRUNE et al.

By:   
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Attorney for Applicant  
Registration No. 24,483